

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA**

IN RE: Birdsong, Jason Michael,)
Birdsong, Erin Lanell,)
)
Debtor(s).) **Case No. 11-11770-R**
Chapter 13

FOURTH AMENDED
CHAPTER 13 PLAN

LENGTH OF PLAN: 60 months.

PLAN PAYMENTS: Debtor shall pay \$882.00 for Month 1 through Month 60. The trustee shall deduct the Trustee's preset percentage fee from each payment.

COMMENCEMENT DATE: Plan payments shall commence on or before 30 days after the Chapter 13 Petition is filed.

PRIORITY CLAIMS: (To be paid in full without interest)

| CLAIMANT | DESCRIPTION | AMOUNT | MONTHLY PAYMENTS & NUMBER OF PAYMENTS |
|-------------------------------|----------------|------------|--|
| Cheadle & Associates, Inc. | Attorney's Fee | \$1,470.00 | \$130.20 payment #1 thru #11 \$ 37.80 payment #12 |

SECURED CLAIMS: [exclusive of home mortgage(s)]

| CLAIMANT | DESCRIPTION | ALLOWED AMOUNT | INTEREST RATE | MONTHLY PAYMENTS & NUMBER OF PAYMENTS |
|----------------------------|------------------------|-------------------|------------------|--|
| Rogers County Treasurer | 2010 Real Estate Taxes | \$ 963.48 | 4% | \$17.74 payment #1 thru #60 |

CLAIMS ENTITLED TO ADEQUATE PROTECTION PURSUANT TO 11 U.S.C. § 1326(A)(1)(c). The following claimants are provided adequate protection in the form of a lien on each pre-confirmation plan payment to the Chapter 13 Trustee in the payment amount stated below for each claimant, subject to the provisions of the Court's Misc. Order No. 162:

| CLAIMANT | FILED OR SCHEDULED CLAIM | COLLATERAL | ALLOWED SECURED CLAIM | INTEREST RATE | MONTHLY PAYMENTS & NUMBER OF PAYMENTS |
|-------------------------|--------------------------------|------------------------------------|-----------------------------|------------------|--|
| Springleaf Financial | \$6,775.00 | 2002 Ford F150 1991 Honda Civic | \$6,775.00 | 8% | \$137.37 payment #1 thru #60 |
| Agco Finance | \$14,500.00 | 2009 Massey Ferguson Tractor | \$14,500.00 | 0% | \$241.67 payment #1 thru #60 |

| | | | | | |
|------------|-------------|----------------|-------------|-------|------------------------------|
| Allegiance | | 2006 Ford F350 | | | |
| Lending | \$13,434.36 | Wrecker | \$13,434.36 | 5.99% | \$259.66 payment #1 thru #60 |

Note: Secured creditors shall retain their liens to the extent of the value stated above in the Allowed Secured Claim column. The allowed secured claim of each secured creditor shall be the amount of the collateral, as indicated in the Allowed Secured Claim column, or the amount of the claim, whichever is less, with the balance of the claim as filed being allowed as an unsecured claim, and with the lien of the creditor being avoided on the unsecured portion pursuant to 11 U.S.C. Sec. 506(d).

HOME MORTGAGE(S): (Debtor's principal residence)

| CLAIMANT | DESCRIPTION | ALLOWED AMOUNT | INTEREST RATE | MONTHLY PAYMENTS & NUMBER OF PAYMENTS |
|---------------------|----------------------------------|----------------|---------------|--|
| Vanderbilt Mortgage | 1 st Mortgage | \$135,087.92 | contract | (Paid directly to Vanderbilt outside plan according to contract terms) |
| Vanderbilt Mortgage | 1 st Mortgage arrears | \$ 3,532.46 | N/A | \$73.60 payment #13 thru #60 |

SPECIAL UNSECURED CLASS(ES):

| CLAIMANT | DESCRIPTION | ALLOWED AMOUNT | MONTHLY PAYMENTS & NUMBER OF PAYMENTS |
|----------|-------------|----------------|---------------------------------------|
|----------|-------------|----------------|---------------------------------------|

None

PROPERTY TO BE SURRENDERED: The following property shall be surrendered to the named claimant in full satisfaction of the Allowed Secured Claim stated below with the balance of the filed claim, if any, relegated to general unsecured claims

| CLAIMANT | COLLATERAL | ALLOWED SECURED CLAIM |
|---------------------|--------------------|-----------------------|
| Oklahoma State Bank | 2009 Big Muddy UTV | \$5,866.00 |

LIEN AVOIDANCE(S): The Debtor(s) shall file a separate Motion or Motions to avoid the liens or security interests of the following claimants pursuant to 11 U.S.C. Section 522(f) and the claim(s) of such claimant(s) shall be relegated to and treated as general unsecured claims below:

CLAIMANT

None

LIEN AVOIDANCE(S): The Debtor(s) shall file a separate Motion/Adversary Proceeding to avoid the liens or security interests of the following claimants pursuant to 11 U.S.C. §§ 506 and 1322(b)(2), and the claim(s) of such claimant(s) shall be relegated to and treated as general unsecured claims below:

| CLAIMANT | DESCRIPTION | AMOUNT |
|----------|-------------|--------|
| None | | |

UNSECURED CLAIMS: All claims not specifically provided for above and those relegated to unsecured status above shall be paid as general unsecured claims, without priority, on a pro rata basis.

| | |
|---|--|
| Unsecured claims per Schedule F minus Special Unsecured Claim: | \$37,128.74 |
| Claims Relegated to Unsecured Status: | 1,670.43 (Springleaf Financial) 415.49 (Agco) |
| Total Projected Unsecured Claims: | \$39,214.66 |
| Approximate Percentage payback to Holders of Unsecured Claims: | 8% |

Note: The approximate payback to unsecured claims may be more or less depending on claims actually filed and allowed.

OTHER PROVISIONS:

1. All property of the estate under 1 U.S.C. Section 1306 at the time of confirmation shall be and remain property of the estate and all stays in effect at the time of confirmation shall remain in force and effect until conclusion of the case or other Order of the Court.
2. All claims will be treated as set forth above unless a creditor objects prior to the confirmation hearing and files a claim within ninety (90) days after the first date set for the meeting of creditors called pursuant to 1 U.S.C. Section 341(a). Governmental units must file claims within 180 days after the order for relief.
3. All creditors without priority who fail to file a proof of claim within the time stated in paragraph 2 above, may not receive any distribution under this Plan.
4. All secured creditors shall retain their liens as provided in 11 U.S.C. Sec. 1325 (a)(5)(B)(i).
5. The above named Debtor(s) is/are enjoined from incurring any debts without prior approval of the court, except such debts as may be necessary for emergency medical or hospital care.

Date: 08/11/11

/s/ Dana M. McDaniel
Dana M. McDaniel, OBA #20524
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